

REMARKS

The Office Action mailed June 8, 2010 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-16 are pending and stand rejected.

Claims 1, 6 and 11 are independent claims.

Claims 1, 6 and 11 have been amended.

Claims 1, 4-6, 9-11 and 14-16 stand rejected under 35 USC 102(e) as being anticipated by Ikezoye (USP no. 7,500,007). Claims 2-3, 7-8 and 12-13 stand rejected under 35 USC 103(a) as being unpatentable over Ikezoye in view of Klemets (USP no. 7,451,229).

With regard to the rejection of claims 1, 4-6, 9-11 and 14-16 as being anticipated by Ikezoye (USP no. 7,500,007) under 35 USC 102(e), applicant respectfully disagrees with, and explicitly traverses, the rejection of the claims.

However, in order to advance the prosecution of this matter, applicant has elected to amend the claims to recite the invention claimed in further detail. More specifically, the independent claims have been amended to recite that the downloaded (related) material includes navigation information and that "said synchronization utilizes the received navigation information in coordination with navigation information on said optical disc." No new matter has been entered. Support for the amendment may be found at least on page 7, lines 18-23 ("[c]lip files, navigation information, playitems, and playlists stored on the network server 40 have one-to-one correspondence with those stored in the above optical disc10, in particular the address and clock information in the navigation information is entirely same [sic] as that in navigation information 10C of the optical disc10, in order to synchronize the downloaded audio with video in the optical disc10 during playing. In the network server 40, clip files of the audio information base 47B contain audio information to play the optical

disc10 in coordination with the video information contained in clip files 10D of the optical disc10." (emphasis added).

In support of the rejection of the claims, the Office Action refers to Figures 3-5 for teaching the elements recited in the claims.

Ikezoye discloses an apparatus for sampling a media content (which is assumed to be on a tangible media) to generate a media sample or analytical representation of the media content. The media sample is compared to a collection of sampled, or representative, media content (which may be on a server) to identify the media content and to ascertain information related to the sample. The media content related information is then displayed by the media player. The media player then presents the user specific and related actions that are based upon the information presented and allows the user to directly execute their choice of actions (see Abstract).

With reference to Figure 1, Ikezoye discloses an intercept unit 40 and a sampling unit 34. Ikezoye further discloses a network connection 32 that provides a connection to a lookup server. The lookup server searches a media database 46 based on the sampled media content.

With reference to Figure 3, Ikezoye discloses the steps of sampling the media (130), transmitting the sample to the lookup server (140), receiving related information from the server (150) and displaying content-related information to the user (160). Figure 5 discloses processing performed at the server for matching the sample with the information in the data base to determine the content-related information (block 330).

In presenting the media information from which the media sample is obtained, Ikezoye discloses that the "source of the media content of the work played on the client computer includes conventional media sources such as internet sources or webcasts, including streaming media and archived media. The media content source may also be audio CDs, DVD or other formats suitable

for presentation on the media playing devices, such as the client computer." (see col. 5, lines 1-6).

Furthermore, Ikezoye discloses that "a user may issue a request for content-related information via the user-interface 38. This request is communicated to the sampling unit 34 for further processing. As described above, in response to such a request, the sampling unit 34 creates a media sample from the media content of a work being played on the client media player 14 and transmits the sample to the lookup server 12 for further processing. In response, the lookup server provides the information related to the work, if available, to the client media player. This content-related information of the work is received by the user interface 38 which then displays the received information to the user of the client media player 14." (see col. 8, lines 39-49).

Hence, Ikezoye discloses a system that plays media content from different sources and displays related information obtained based on a sample of the media. The display is presented concurrently with the played media.

However, Ikezoye fails to disclose that the request includes at least an identification information of the optical disc or that the content-related information includes navigation information and that the playing of the part of the content is in synchronization wherein said synchronization utilizes the received navigation information in coordination with navigation information on said optical disc, as is recited in the claims.

Rather, Ikezoye discloses providing a sample of the media to the server and fails to disclose providing any identification of the optical disc to the server, as Ikezoye discloses that the media need not be included on an optical disc. Furthermore, Ikezoye discloses that the content-related material may be displayed concurrently with the played media but fails to disclose that the content-related information includes navigation information that may be used to synchronize the playing of the part of the content with the related information.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Ikezoye cannot be said to anticipate the subject matter recited in the claims, as Ikezoye fails to disclose at least one material element recited in each of the independent claims.

For the remarks made herein, applicant submits that each of the aforementioned claims is not anticipated by the cited reference.

Claims 2-3, 7-8 and 12-13 stand rejected under 35 USC 103(a) as being unpatentable over Ikezoye in view of Klemets (USP no. 7,451,229).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Each of the aforementioned claims depends from one of the independent claims, which have been shown to include subject matter not disclosed by Ikezoye.

Klemets discloses a method of embedding content into a streaming media format and is cited for teaching the elements of the request including a language selected by the user.

However, Klemets fails to disclose playing downloaded material in synchronization with the part of content contained on an optical disc based on navigation information in the downloaded material and navigation information on the optical disc, as is recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations. However, the US Supreme Court in *KSR v. Teleflex* (citation omitted), held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in the *Graham*

v. John Deere (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness).

In this case, the combination of the cited references fails to disclose at least one material element recited in each of the independent claims and thus, the combination of the cited references cannot be said to render obvious the subject matter recited in the aforementioned dependent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejections be withdrawn and a Notice of Allowance be issued.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
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Date: August 25, 2010

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